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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/689,695

10/13/2000

Shuichi Kagawa

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6632

7590

05/06/2004

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EXAMINER

BURLESON, MICHAEL L

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/689,695

Applicant(s)

KAGAWA ET AL.

Examiner

Michael Burleson

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 and 4</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

Information Disclosure Statement

1. The information disclosure statement (IDS) was submitted on October 13, 2000 and is being considered by the examiner.

Claim Objections

2. Claims 4 and 6,7 is objected to because of the following informalities:
3. Regarding claims 4 and 6,7, page 59 - 61, "said said first comparison-result data" , should read, -- said first comparison-result data --. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are provisionally rejected under the judicially created doctrine of double patenting over claim 1 of copending Application No. 09/689,653. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Regarding claim 1, of the present application, applicant recites; "a color conversion device for performing pixel-by-pixel color conversion from a first set of three color data representing red, green and blue or cyan, magenta and yellow, into a second set of three color data representing red, green and blue or cyan, magenta and yellow, said device comprising: first calculation means for calculating a minimum value α and a maximum value β of said first set of three color data for each pixel; hue data calculating means for calculating hue data r, g, b, y, m, and c based on said first set of three color data, and said minimum and maximum values α and β outputted from said calculating means; means for generating first comparison-result data based on the hue data outputted from said hue data calculating means; means for generating second

comparison-result data based on said first comparison-result data; second calculation means for performing calculation using the hue data outputted from said hue data calculating means to produce calculation result data; coefficient storage means for storing matrix coefficients for the hue data, the calculation result data, the first comparison-result data and the second comparison-result data; coefficient setting means for setting specified coefficients in said coefficient storage means; and third calculation means responsive to said hue data, said first comparison-result data, said second comparison-result data, said calculation result data, and the coefficients from said coefficient storage means for calculating said second set of three color data representing red, green and blue or cyan, magenta and yellow, said third calculation means performing calculation including matrix calculation performed at least on said hue data, said first comparison-result data, said second comparison-result, said calculation result data, and the coefficients from said coefficient storage means.

Regarding claim 1 of US Application 09689653 recites: "a color conversion device for performing pixel-by-pixel color conversion from a first set of three color data representing red, green and blue or cyan, magenta and yellow, into a second set of three color data representing red, green and blue or cyan, magenta and yellow, said device comprising: first calculation means for calculating a minimum value α and a maximum value β of said first set of three color data for each pixel; hue data calculating means for calculating hue data r, g, b, y, m, and c based on said first set of three color data, and said minimum and maximum values α and β outputted from said calculating means; means for generating first comparison-result data based on the hue data

outputted from said hue data calculating means; means for generating second comparison-result data based on said first comparison-result data; coefficient storage means for storing matrix coefficients for the hue data, the first comparison-result data and the second comparison-result data; coefficient setting means for setting specified coefficients in said coefficient storage means; and second calculation means responsive to said hue data, said first comparison-result data, said second comparison-result data, and the coefficients from said coefficient storage means for calculating said second set of three color data representing red, green and blue, or cyan, magenta and yellow, said second calculation means performing calculation including matrix calculation performed at least on said hue data, said first comparison-result data, said second comparison-result data, and the coefficients from said coefficient storage means.

1. Claim 2 of the present invention corresponds to claim 2 of the copending application.
2. Claim 3 of the present invention corresponds to claim 3 of the copending application.
3. Claim 4 of the present invention corresponds to claim 4 of the copending application.
4. Claim 5 of the present invention corresponds to claim 5 of the copending application.
5. Claim 6 of the present invention corresponds to claim 6 of the copending application.

6. Claim 7 of the present invention corresponds to claim 7 of the copending application.
7. Claim 8 of the present invention corresponds to claim 8 of the copending application.
8. Claim 9 of the present invention corresponds to claim 9 of the copending application.
9. Claim 10 of the present invention corresponds to claim 10 of the copending application.
10. Claim 11 of the present invention corresponds to claim 11 of the copending application.
11. Claim 12 of the present invention corresponds to claim 12 of the copending application.
12. Claim 13 of the present invention corresponds to claim 13 of the copending application.
13. Claim 14 of the present invention corresponds to claim 14 of the copending application.
14. Claim 16 of the present invention corresponds to claim 15 of the copending application.
15. Claim 17 of the present invention corresponds to claim 16 of the copending application.
16. Claim 18 of the present invention corresponds to claim 17 of the copending application.

17. Claim 19 of the present invention corresponds to claim 18 of the copending application.

18. Claim 20 of the present invention corresponds to claim 19 of the copending application.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 112

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1 and 20 recites the limitation "said calculating means" in claim 1, page 59 line13 and claim 20, page 67 line 32.

21. Claim 9 and 11, recites the limitation "said device" in claim 9, page 63, line 13 and claim 11, page 64, line16.

There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

4. Claims 2-19 would be allowable if rewritten to overcome the rejection(s) under Double Patenting, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
5. Claims 1 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.
6. Claims 9 and 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Asamura et al. US 6,434,268 and Kagawa US 5,588,050.
2. Any inquiry concerning this communication should be directed to Michael Burleson whose telephone number is (703) 305-8683 and fax number is (703) 746-3006. The examiner can normally be reached Monday thru Friday from 8:00 a.m. – 4:30p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached at (703) 305-4863

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Michael Burleson
Patent Examiner
Art Unit 2626

MB

Mlb
May 2, 2004

MARK WALLERSON
PRIMARY EXAMINER